

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY
LABORATORIES, INC., SONIC
HEALTHCARE USA, INC.,

Defendants.

CIVIL ACTION NO. 1:20-cv-783-RP

Per the Court's instructions during the parties' hearing on Monday, November 14, 2020 at 10am, Homeland submits this supplement to aid the Court in its analysis of Homeland's Second Motion to Compel (Dkt. 152). Homeland has endeavored to identify on a document by document basis the records it contends fall within the three categories that were the subject of that motion: (1) communications that include third-party MedLab only regarding CPL's insurance claim with Homeland; (2) records that are to, from, or cc a Vero claims person, or refer to Vero and do not appear to be in furtherance of insurance coverage legal advice; and (3) communications or other documents in the underlying Irish Litigation created before Homeland denied coverage on July 10, 2020.

To do so, Homeland provides document numbers below and attaches CPL's log of Aon's production of documents (the "Aon Log") as **Exhibit A**. The Aon log is listed by bates numbers (second column). The documents contained therein are color-coded if the Court would like to review the logs themselves, as explained more fully below.

Because CPL's Log of its own records is 10,000 documents long and the log itself is over 500 pages, Homeland is endeavoring to supplement this submittal with an Exhibit B (color coded CPL Logs) tomorrow, November 17.

Category One: CPL's Communications About Its Claim To Homeland With MedLab.

Homeland has highlighted in pink the communications that it contends are not privileged; namely, the communications involving MedLab that, according to the privilege log, concern the insurance claim to Homeland rather than the underlying Irish litigation. The relevant bates numbers on the Aon Log are as follows:

- AONCLPSONIC-0004957-58
- AONCPLSONIC-0004967-69
- AONCPLSONIC-0004973-74
- AONCPLSONIC-0003714-70

Category Two: Documents To, From, Or About Vero.

Homeland has highlighted in blue the documents that it contends the Court should order produce; namely, documents addressed to a Vero email address or documents with "Vero" in the subject line that do not seem to be discussing the coverage litigation. Specifically, the relevant bates numbers on the Aon Log are as follows:

- AONCPLSONIC-0005252-54
- AONCPLSONIC-0005579-84
- AONCPLSONIC-0010924-25
- AONCPLSONIC-0010926-30
- AONCPLSONIC-0010932-38
- AONCPLSONIC-0010941-47
- AONCPLSONIC-0010958-64
- AONCPLSONIC-0010970-76

Category Three: The Underlying Irish Litigation Documents

Category three includes a large number of documents. Accordingly, rather than highlight the corresponding documents in a particular color, Homeland has left the documents in category

three unhighlighted. The unhighlighted bates numbers (so the numbers subject to Homeland's motion) on the Aon Log are as follows:

- AONCPLSONIC-0010791-7930
- AONCPLSONIC 0010822-27
- AONCPLSONIC 0010686-70
- AONCPLSONIC 0010897-98
- AONCPLSONIC 0010451-0010542
- AONCPLSONIC 0010555-0010557
- AONCPLSONIC 0010598-600
- AONCPLSONIC 0010629-631
- AONCPLSONIC 0010672-73
- AONCPLSONIC 0010724-26
- AONCPLSONIC 0010742-747
- AONCPLSONIC 0010968-69
- AONCPLSONIC 0009801-9885
- AONCPLSONIC 0009922-9929
- AONCPLSONIC 00004341-4739
- AONCPLSONIC 00004761-4772
- AONCPLSONIC 00004386-4873
- AONCPLSONIC 0004341-4739
- AONCPLSONIC0004838-4873
- AONCPLSONIC 0004747-72
- AONCPLSONIC 0004836-37
- AONCPLSONIC 0003859-58
- AONCPLSONIC 0003677-3692
- AONCPLSONIC 0003775-3858
- AONCPLSONIC 0006201-04
- AONCPLSONIC 0009784-85
- AONCPLSONIC 0009792-80
- AONCPLSONIC 0009801-9885
- AONCPLSONIC 0009922-29

Note that on the Aon Log, the following documents reference "insurance coverage" but are withheld because BLM (Irish counsel for the medical negligence claims) is included. Those bates ranges are: AONCPLSONIC-0003872-3898.

In the supplemental filing tomorrow, Homeland will indicate the documents on the CPL Log.

Respectfully submitted this 16th day of November, 2022.

By: /s/ John T. Brooks

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this document was served upon counsel of record for all parties who have made an appearance in this case at the addresses indicated by CM/ECF electronic notification and email on this 16th day of November, 2022.

/s/ John T. Brooks
